

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION) MDL No.1456)) Master File No. 01-CV-12257-PBS) Subcategory No. 06-CV-11337-PBS))
THIS DOCUMENT RELATES TO: <i>United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al. v. Boehringer Ingelheim Corporation, et al.</i> , Civil Action No. 07-10248-PBS) Judge Patti B. Saris)) Magistrate Judge Marianne B. Bowler))))

I, James J. Fauci, do hereby declare as follows:

1. I am an Assistant U.S. Attorney in the Office of the United States Attorney, District of Massachusetts. I am a member in good standing of the bar of this Court.
2. On behalf of the plaintiff United States of America, I am submitting with this declaration Exhibits in support of the Plaintiff's Motion for Partial Summary Judgment and in Opposition to the Roxane Defendants' Motion for Partial Summary Judgment.
3. The following exhibits are true and correct copies of the materials described:

Ex. #	Description
182.	Deposition of Mark Shaffer, May 21, 2007, selected pages
183.	Deposition of Edward Tupa, January 31, 2003, selected pages
184.	Deposition of Thomas Via, October 18, 2005, selected pages
185	Hydromorphone Letters
186.	Deposition of Robert Sykora, November 2, 2005, selected pages
187.	December 21, 1998 Press Release, "Mylan, Nation's Second Largest Generic Drug Marker, Charged with Restraint of Trade, Conspiracy & Monopolization."
188.	Deposition of Robert Sykora, December 4, 2008, selected pages
189.	Deposition of Thomas Russillo, January 8, 2009, selected pages
190.	2003 Quarter 2 Drug Report

I swear under the penalties of perjury that the foregoing statements are true and correct.

James J. Fauci

James J. Fauci
Assistant U.S. Attorney

Executed this 22nd day of September, 2009